IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.Rev.Pet.No. 883 of 1999()

CRA.36/1997 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.671/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA

.....

REVN. PETITIONER: APPELLANT/ACCUSED

MADHU @ KUTTAN
S/O.PAVITHRA PANICKER
WARD NO.1, MUHAMMA PANCHAYAT
THANNEERMUKKOM SOUTH VILLAGE.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

NO REPRESENTATION. DISMISSED FOR NON PROSECUTION

25.5.2007 SD/- K.R.UDAYABHANU, JUDGE

CRRPNO.883/1999

ORDER ON CRL.M.P.NO.4071/1999 IN CRL.R.P.NO.883/1999

DISMISSED

25.5.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO. 883 OF 1999

DATED THIS THE 7th November 2007

ORDER

The revision petitioner, who is the accused in C.C.No.671/1993 in the file of the Judicial First Class Magistrate-I, Alappuzha with respect to the offences under Sections 279, 337 and 338 of the Indian Penal Code and Section 134(b) of the Motor Vehicles Act, stands convicted and sentenced to undergo simple imprisonment for 30 days for the offence under Section 279 I.P.C., simple imprisonment for 30 days for the offence under Section 338 I.P.C.and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for 30 days for the offence under Section 134(b) of the Motor Vehicles Act.

2. The prosecution case is that on 10-7-1993 at 10.30 a.m.,the revision petitioner/accused drove a motor cycle bearing registration number KRA-5264 from north to south in a rash and negligent manner so as to endanger human life and hit on PW1 who was waiting for bus on the side of the road and as a result of which PW1 sustained fracture of greater trochanteric and multiple abrasion.

3. Counsel for the revision petitioner has only pleaded for modification of sentence . It is pointed out that more than 17 years have elapsed since the commencement of the proceedings and so far

the revision petitioner was facing criminal proceedings. In the circumstances considering the long lapse of time, the sentence imposed for the offence under Section 338 I.P.C. is modified to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- to PW1 and in default to undergo simple imprisonment for four months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted two months time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate-I, Alappuzha on 8-1-2008 to receive sentence. The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P. NO. 883 of 1999

ORDER

7th November 2007